

2. The parties stipulate to conditional collective action certification of Plaintiff's Virginia Off-the-Clock Claim (ECF Doc. 1, at Count II), to include Plaintiff and the following employee group:

All current and former day-rate Merchandisers, regardless of job title, employed by Canada Dry Potomac Corporation at its Richmond, VA and/or Springfield, VA facilities at any time during the period July 24, 2020 through the date of final judgment in this matter ("Virginia Off-the-Clock Collective").

3. The parties stipulate to, and Defendant consents to Plaintiff's unopposed motion seeking, Rule 23 class certification of Plaintiff's VOWA Miscalculated Overtime Claim (ECF Doc. 1, at Count IV), to include Plaintiff and the following employee group:

All current and former non-exempt, day-rate employees, regardless of actual title, who worked for Defendant within the Commonwealth of Virginia between July 1, 2021 and June 30, 2022 and, during that time, were paid overtime premiums at a rate less than one and one-half times their regular rate of pay, calculated as one-fortieth (1/40th) of all wages paid for the workweek ("VOWA Miscalculated Overtime Class").

4. On **October 6, 2023**, Plaintiff shall file his Consent Motion To Certify Rule 23 Class to allow the Court to analyze the Rule 23 requirements and conclude Plaintiff meets the standard for class certification of his VOWA Miscalculated Overtime Claim (ECF Doc. 1, Count IV). Defendant will not oppose this motion and stipulates the requirements are met.
5. The parties jointly request this Court stay all remaining case deadlines, including approving and authorizing notices to the conditionally certified FLSA collective, conditionally certified Virginia collective, and the unopposed Rule 23 VOWA class, until after (a) this Court rules on Defendant's Renewed Motion to Dismiss or for Summary Judgment on Plaintiff's VOWA miscalculated overtime claim and (b) the parties subsequently attempt to resolve this case in mediation. Defendant shall file its

Renewed Motion to Dismiss or for Summary Judgment by **October 27, 2023**. Plaintiff shall file its opposition to the Renewed Motion to Dismiss or for Summary Judgment by **November 17, 2023**. Defendant may file a reply in support of its Renewed Motion to Dismiss or for Summary Judgment by **December 5, 2023**.

6. The parties agree to toll the statute of limitations for putative FLSA and Virginia opt-in plaintiffs until such time as notice is distributed.
7. The parties agree staying notice until after the Court decides the Renewed Motion to Dismiss or for Summary Judgment and after the parties participate in mediation will not prejudice any class member or putative opt-in plaintiff because the statute of limitations is tolled with the filing of the Complaint for all Rule 23 class members and by agreement as to FLSA and Virginia opt-in plaintiffs.
8. The parties also agree staying notice serves the interests of conserving financial resources and allows the parties to send notice of any resulting settlement in one communication with class/collective action notice.
9. The parties agree to meet-and-confer within 10 days following this Court's order deciding Defendant's Renewed Motion to Dismiss or for Summary Judgment to (a) select a mediator and (b) schedule a date for a mediation to occur as promptly as practicable.

Respectfully submitted,

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/s/ Tracey F. George

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SO ORDERED this 5th day of January, 2024.

/s/ Michael M. Baylson

Hon. Michael M. Baylson, U.S.D.J